

Message

From: Eisenberg, Mindy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFB4C26BB6F44C7DB69F9884628B3EF9-EISENBERG, MINDY]
Sent: 10/9/2018 1:45:57 AM
To: Hurlid, Kathy [Hurlid.Kathy@epa.gov]
Subject: RE: Intergov consultation

Ex. 5 Deliberative Process (DP)

Mindy Eisenberg
Associate Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4504T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Hurlid, Kathy
Sent: Friday, October 05, 2018 11:55 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: FW: Intergov consultation

There is a big mix up on all of this. Andrew is insisting Rachel discussed this with him? She has not been engaged with 404(g) at all. Just letting you know there may be other areas of confusion (i.e., with 404(c), 401 cert, etc)

From: Hanson, Andrew
Sent: Friday, October 05, 2018 11:11 AM
To: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: Re: Intergov consultation

Hi Kathy

Given that the focus/emphasis has changed, per my note below (states/state agencies), Andrea Barberly will continue to be your POC for OCIR on this, including upon my return.

Hope all's well with you.

A

(I had email exchanges with Rachel on this subject prior to meeting in person with Lauren and Dolores)

Sent from my iPhone

On Oct 5, 2018, at 10:59 AM, Hurlid, Kathy <Hurlid.Kathy@epa.gov> wrote:

Andrew, I do hope you are not reading this while on vacation. Yes, seems that the what and when have changed yet again. I don't think Rachel was even engaged in this effort, but I will let Dolores and Lauren know about the change. Relax, enjoy vacation, we'll talk when you return. - kathy

From: Hanson, Andrew
Sent: Tuesday, October 02, 2018 5:15 PM

To: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Cc: McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>;
Dennis, Allison <Dennis.Allison@epa.gov>
Subject: FW: Intergov consultation

Hi Kathy –

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks.

From: Hanson, Andrew
Sent: Friday, September 28, 2018 12:58 PM
To: Jack Bowles <Bowles.Jack@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: FW: Intergov consultation

+Jack and Brian

From: Hanson, Andrew
Sent: Friday, September 28, 2018 12:51 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Cc: Kasperek, Lauren <kasperek.lauren@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Wesson,
Dolores <Wesson.Dolores@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Evalenko, Sandy
<Evalenko.Sandy@epa.gov>; Klasen, Matthew <Klasen.Matthew@epa.gov>; Christensen, Damaris
<Christensen.Damaris@epa.gov>
Subject: FW: Intergov consultation

Hi Mindy and Mike –

I just had a very confusing conversation with Kathy Hurlid regarding the upcoming 404 (g) consultation meeting, the edited/revised invitation letter for which is below. Our respective offices' plan from the beginning, since I met with Lauren Kasperek and Dolores Wesson several weeks ago, was that the meeting (now scheduled for Nov 1) is to be a State/local association-only meeting, akin to an E.O. 13132 consultation, but without using that specific nomenclature. **(e.g. E.O. 13132/Federalism)** As I'm sure you are aware, State and local government principals are not invited to such consultations, and the Big 10 et al associations work with their members to develop comments/input following a headquarters briefing.

Several weeks ago, in planning for the Nov. 1 meeting, I provided to your staff a comprehensive list of intergovernmental associations that would be invited, and our collective understanding/agreement was that the meeting would involve these invitees only. There was no discussion whatsoever of inviting state principals/representatives. However, the discussion I just had with Kathy Hurlid reflected her belief Ex. 5 Deliberative Process (DP) That, again, is not what has been discussed, much less planned-for.

Would you be so kind as to circle back with me at your earliest convenience to discuss?

Thank you,
AH
OCIR

From: Hanson, Andrew
Sent: Friday, September 28, 2018 11:33 AM
To: Kasparek, Lauren <kasparek.lauren@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Cc: Dennis, Allison <Dennis.Allison@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: FW: Intergov consultation

Hi Lauren and Dolores -

Solid letter. My edits are incorporated. **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP) Also, the letter
needn't be signed at the political level. (as a practical matter, last minute edits will be easier to engineer
if signed at the division or office level.)

We can talk about the date by which post-meeting input/comments should be submitted via the
“docket/portal” address you set up. Just be aware that the shorter the “comment period” is, the more
blowback we invite. As you know, these associations have to get their pre-proposal comments/input
approved by their chains of command and, in some cases, environment committees. Again, we'll plan
to send the final version out as an attachment to an electronic scheduler no later than October 15.

Thanks,

AH
OCIR

Dear Intergovernmental Association Colleague:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sincerely,

David P. Ross
Assistant Administrator

1) If someone cannot attend the 11/1 mtg, can you say something like this in the letter?
If you are unable to attend the meeting and would like to meet about this proposed rulemaking or if you have any questions, please contact Kathy Hurlb at 202 564 XXXX or XXX. X>X>X

From: Kasperek, Lauren
Sent: Thursday, September 27, 2018 11:31 AM
To: Hanson, Andrew <Hanson.Andrew@epa.gov>
Cc: Dennis, Allison <Dennis.Allison@epa.gov>
Subject: RE: Intergov consultation

I've attached a very rough draft of our letter – this is subject to change because we just sent it up for mgmt. to review.

Who would you like us to work with while you're out?

Hope you're doing well!
Best,
Lauren

From: Hanson, Andrew
Sent: Wednesday, September 26, 2018 12:56 PM
To: Kasparek, Lauren <kasparek.lauren@epa.gov>
Cc: Dennis, Allison <Dennis.Allison@epa.gov>
Subject: RE: Intergov consultation

Sounds good, Lauren. If you can forward even a VERY rough draft by Monday or thereabouts, that'd be great. (I'll be out from next Thursday the 4th until Monday the 15th). If Jack wants to send the invitation (scheduler with the letter attached) out week after next, that's fine, but it should absolutely go no later than Monday the 15th. (which still gives them 2.5 weeks' notice) Remember, it needn't be signed at a high level. (Div. Director is ok, as far as we're concerned, but we'll defer to you)

Hope all's well.

From: Kasparek, Lauren
Sent: Tuesday, September 25, 2018 3:47 PM
To: Hanson, Andrew <Hanson.Andrew@epa.gov>
Cc: Dennis, Allison <Dennis.Allison@epa.gov>
Subject: state face to face

Hi Andrew,

Just wanted to give you a heads up that it looks like Thursday, November 1st will be the date for the state engagement on 404g – that was the date that worked best for Dave Ross.

We're currently drafting the consultation letter and aiming to have it ready for next week.

Thanks!
Lauren